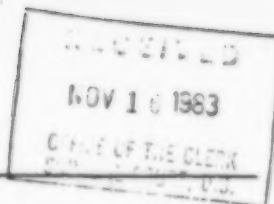


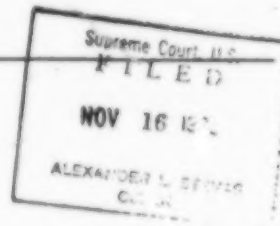
ORIGINAL

No. 83-5424



IN THE SUPREME COURT OF THE UNITED STATES

October Term, 1982



GLEN BURTON AKE,
Petitioner,

-vs-

STATE OF OKLAHOMA,
Respondent,

ON PETITION FOR A WRIT OF CERTIORARI TO THE
COURT OF CRIMINAL APPEALS OF THE STATE OF OKLAHOMA

RESPONDENT'S BRIEF IN OPPOSITION
TO PETITION FOR WRIT OF CERTIORARI

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November, 1983

6782

QUESTIONS PRESENTED FOR REVIEW

1. Whether, under the facts of this case, the Petitioner's constitutional rights were violated by the refusal of the trial court to have the Petitioner re-examined on the issue of whether he was insane at the time of the commission of the murders.

2. Whether the facts supports the Petitioner's allegation that the Petitioner was so heavily sedated at trial that he was unable to understand the nature of the proceedings and to assist his counsel in his defense.

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October Term, 1982

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STATE OF OKLAHOMA,

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RESPONDENT'S BRIEF IN OPPOSITION
TO PETITION FOR WRIT OF CERTIORARI

The respondent, State of Oklahoma, by and through Michael C. Turpen, Attorney General of the State of Oklahoma, respectfully requests that this Court deny the Petition for Writ of Certiorari seeking review of the Opinion of the Court of Criminal Appeals of the State of Oklahoma entered on April 12, 1983, and to which re-hearing was denied on June 15, 1983.

OPINION BELOW

The Opinion of the Oklahoma Court of Criminal Appeals is reported at 663 P.2d 1 (Okla. Cr. 1983).

JURISDICTION

This Court's jurisdiction is invoked pursuant to 28 U.S.C. § 1257(3).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Title 21 O.S.Supp.1976, § 701.7, provided:

"A. A person commits murder in the first degree when he unlawfully and with malice aforethought causes the death of another human being. Malice is that deliberate intention unlawfully to take away the life of a human being, which is manifested by external circumstances capable of proof."

Title 21 O.S.Supp.1976, § 701.9, provided in part:

"A. A person who is convicted of or pleads guilty or nolo contendere to murder in the first degree shall be punished by death or by imprisonment for life."

"B. A person also commits the crime of murder in the first degree when he takes the life of a human being, regardless of malice, in the commission of forcible rape, robbery with a dangerous weapon, kidnapping, escape from lawful custody, first degree burglary or first degree arson."

Title 21 O.S.Supp.1976, § 701.10, provided as follows:

"Upon conviction or adjudication of guilt of a defendant of murder in the first degree, the court shall conduct a separate sentencing proceeding to determine whether the defendant should be sentenced to death or life imprisonment. The proceeding shall be conducted by the trial judge before the trial jury as soon as practicable without presentence investigation. If the trial jury has been waived by the defendant and the state, or if the defendant pleaded guilty or nolo contendere, the sentencing proceeding shall be conducted before the court. In the sentencing proceeding, evidence may be presented as to any mitigating circumstances or as to any of the aggravating circumstances enumerated in this act. Only such evidence in aggravation as the state has made known to the defendant prior to his trial shall be admissible. However, this section shall not be construed to authorize the introduction of any evidence secured in violation of the Constitutions of the United States or of the State of Oklahoma. The state and the defendant or his counsel shall be permitted to present argument for or against sentence of death."

Title 21 O.S.Supp.1976, § 701.11, provided as follows:

"In the sentencing proceeding, the statutory instructions as determined by the trial judge to be warranted by the evidence shall be given in the charge and in writing to the jury for its deliberation. The jury if its verdict be a unanimous recommendation of death, shall designate in writing, signed by the foreman of the jury, the statutory aggravating circumstance or circumstances which it unanimously found beyond a reasonable doubt. In nonjury cases the judge shall make such designation. Unless at least one of the statutory aggravating circumstances enumerated in this act is so found or if it is found that any such aggravating circumstance is out-weighted by the finding of one or more mitigating circumstances the death penalty shall not be imposed. If the jury cannot, within a reasonable time, agree as to punishment, the judge shall dismiss the jury and impose a sentence of imprisonment for life."

Title 21 O.S.Supp.1976, § 701.12, provided as follows:

"Aggravating circumstances shall be:

- "1. The defendant was previously convicted of a felony involving the use or threat of violence to the person;
- "2. The defendant knowingly created a great risk of death to more than one person;
- "3. The person committed the murder for remuneration or the promise of remuneration or employed another to commit the murder for remuneration or the promise of remuneration;
- "4. The murder was especially heinous, atrocious, or cruel;

"5. The murder was committed for the purpose of avoiding or preventing a lawful arrest or prosecution;

"6. The murder was committed by a person while serving a sentence of imprisonment on conviction of a felony; or

"7. The existence of a probability that the defendant would commit criminal acts of violence that would constitute a continuing threat to society."

Title 21 O.S.Supp.1976, § 701.13, provided as follows:

"A. Whenever the death penalty is imposed, and upon the judgment becoming final in the trial court, the sentence shall be reviewed on the record by the Oklahoma Court of Criminal Appeals. The clerk of the trial court, within ten (10) days after receiving the transcript, shall transmit the entire record and transcript to the Oklahoma Court of Criminal Appeals together with a notice prepared by the clerk and a report prepared by the trial judge. The notice shall set forth the title and docket number of the case, the name of the defendant and the name and address of his attorney, a narrative statement of the judgment, the offense, and the punishment prescribed. The report shall be in the form of a standard questionnaire prepared and supplied by the Oklahoma Court of Criminal Appeals.

"B. The Oklahoma Court of Criminal Appeals shall consider the punishment as well as any errors enumerated by way of appeal.

"C. With regard to the sentence, the court shall determine:

"1. Whether the sentence of death was imposed under the influence of passion, prejudice, or any other arbitrary factor;

"2. Whether the evidence supports the jury's or judge's finding of a statutory aggravating circumstance as enumerated in this act; and

"3. Whether the sentence of death is excessive or disproportionate to the penalty imposed in similar cases, considering both the crime and the defendant.

"D. Both the defendant and the state shall have the right to submit briefs within the time provided by the court, and to present oral argument to the court.

"E. The court shall include in its decision a reference to those similar cases which it took into consideration. In addition to its authority regarding correction of errors, the court, with regard to review of death sentences, shall be authorized to:

"1. Affirm the sentence of death; or

"2. Set the sentence aside remand the case for modification of the sentence to imprisonment for life.

"P. The sentence review shall be in addition to direct appeal, if taken, and the review and appeal shall be consolidated for consideration for consideration. The court shall render its decision on legal errors enumerated, the factual substantiation of the verdict, and the validity of the sentence."

STATEMENT OF THE CASE

Glen Burton Ake, a/k/a Johnny Vandenoever (hereinafter referred to as the "Petitioner") was convicted of two (2) counts of Murder in the First Degree, 21 O.S.Supp.1976, § 701.7, and two (2) counts of Shooting With Intent to Kill, 21 O.S.1971, § 652, in the District Court of Canadian County, State of Oklahoma.

The Petitioner was convicted by a jury which heard evidence in the second stage of the trial and found the existence of three (3) aggravating circumstances.¹ The Petitioner received a death sentence for each of the two murders for which he was convicted and a sentence of 500 years for each of the convictions for Shooting With Intent to Kill.

The facts which were presented to the jury reveal that on October 15, 1979, the Petitioner and his co-defendant, Steven Keith Hatch, quit their jobs on an oil field rig (Tr. 386), borrowed a car from a friend (Tr. 386) and went looking for location to burglarize (Tr. 537).

The Petitioner and Hatch finally decided upon a house, which was that of Reverend Richard Douglass, his wife Marilyn, and their two children, Brooks, age 16, and Leslie, age 12. The Douglasses had recently returned from Brazil where they had performed missionary work (Tr. 446).

The Petitioner obtained entry into the house under the guise of attempting to locate the residence of another person in the area (Tr. 430-432). While the Petitioner was in the house, Hatch entered with a shotgun and the Petitioner pulled out a handgun he had been concealing in his belt (Tr. 433-434; State's Exhibit No. 68, p. 15).

¹ The jury found that (1) the murder was especially heinous, atrocious or cruel; (2) the murders were committed to avoid or prevent a lawful arrest or prosecution; and (3) a probability existed that the Petitioner would commit criminal acts of violence that would constitute a continuing threat to society.

The Douglass family members were forced to lie on the living room floor and were bound with rope (Tr. 418-419). The Petitioner and Hatch then tore out the telephones and the Petitioner began searching the house for money. The Petitioner took the Douglasses' twelve-year-old daughter, Leslie, into her bedroom and forced her to undress (Tr. 419-420). He and Hatch then unsuccessfully attempted to rape the girl after putting suntan lotion on their penises as a lubricant (Tr. 420,425). Mrs. Douglass wept as she heard her daughter cry during the rape attempts (Tr. 438).

During most of this time Hatch guarded the Douglasses with the shotgun, threatening them if they moved (Tr. 438-439). The Petitioner and Leslie returned to the living room and she was also tied up (Tr. 439). The heads of Reverend Douglass, his wife, and the boy were covered (Tr. 421-438). The Petitioner remarked to the family that he liked to shoot people (Tr. 439-440) and then sent Hatch outside to start the car (Tr. 440).

The Petitioner then shot all four family members with the handgun (Tr. 441). Reverend Douglass and his wife died from the gunshot wounds as their son attempted to untie them after the Petitioner and Hatch left (Tr. 442). Partial strangulation was also a contributing cause of death to Reverend Douglas (Tr. 325, 332). The children eventually freed themselves and fled to a neighbor's house.

After the shooting the Petitioner and Hatch fled to Arkansas, Tennessee, Louisiana, Texas, California, Nevada, Utah, Wyoming and Colorado. While in Louisiana the Petitioner and Hatch showed some jewelry to a woman named Virginia Keef. The Petitioner told her that they had gotten it from some people in Oklahoma that they had killed (Tr. 456-457). Ms. Keef at one time wore some of this jewelry (Tr. 456), including Mrs. Douglass' wedding ring which was subsequently seized from Hatch when he was arrested (Tr. 411, 445-446, 460). Ms. Keef also observed a credit card belonging to Mrs. Douglass in the possession of the Petitioner and Hatch (Tr. 458) and used it herself (Tr. 459). Ms. Keef also testified that the Petitioner had telephoned his sister and that she had advised him that the Douglass children had survived (Tr. 457). Ms. Keef

stated that the Petitioner became "scared" upon learning this news (Tr. 457).

Petitioner and Hatch were arrested in Colorado on November 20, 1979. Upon being booked into the jail, the ring belonging to Mrs. Douglass was found on Hatch and a credit card belonging to Mrs. Douglass was found on the Petitioner.

Three days later the Petitioner gave a 44-page statement to law enforcement officials which was taped and subsequently reduced to writing and signed by the Petitioner (Tr. 552-525). This statement was introduced at trial as Exhibit No. 68 (Tr. 546-549). In this statement the Petitioner confessed to the shooting of the Douglass family.

REASONS WHY THE WRIT SHOULD BE DENIED

I.

WHERE THE PETITIONER GAVE A DETAILED FORTY-FOUR PAGE CONFESSION IN WHICH HE LUCIDLY SET FORTH THE EVENTS BEFORE, DURING AND SUBSEQUENT TO THE MURDER UNTIL HIS ARREST SIX WEEKS LATER AND OTHER FACTS SUPPORT HIS SANITY DURING THE TIME HE MURDERED THE DOUGLASSES, AND WHERE TWO PSYCHIATRISTS AND A PHYSICIAN-MEMBER OF THE SANITY COMMISSION TESTIFIED AS TO THE PETITIONER'S MENTAL CONDITION SUBSEQUENT TO HIS ARREST, THE UNITED STATES CONSTITUTION DOES NOT REQUIRE A STATE TO PROVIDE ANOTHER PSYCHIATRIC EXAMINATION ON THE ISSUE OF THE PETITIONER'S MENTAL STATE AT THE TIME OF THE MURDER.

The Petitioner claims in essence that the United States Constitution required the State to provide the Petitioner with a psychiatric examination which would pertain to the Petitioner's mental state at the time of the murder of Reverend and Mrs. Douglass.

The State contends that this present case does not present facts which compel such a result. At trial the Petitioner was allowed to call as witnesses two psychiatrists (Tr. 554, 586) and a physician (who was a member of the county sanity commission--Tr. 572) who had examined the Petitioner in order to determine his ability to stand trial. These doctors were permitted to testify that they believed him to be mentally ill at the time they examined him.² One of the psychiatrists, Dr. Garcia, examined

² See testimony of Dr. Allen (Tr. 560-561); Dr. Enos (Tr. 573); Dr. Garcia (Tr. 589).

the petitioner for an extended period of time--March 6, 1980, until April 6, 1980, and April 10, 1980, to June 9, 1980. The Petitioner was given the full benefit of their testimony and therefore he cannot contend that mitigating evidence was kept from the jury. Cf., Lockett v. Ohio, 438 U.S. 586 (1978).

The Petitioner asserts that the Constitution requires that further evaluation be made to give the Petitioner the benefit of psychiatric opinion of his mental status on the day he murdered Reverend and Mrs. Douglass, October 15, 1979, some four months earlier.

It is the position of the State that the record does not support his contention as there is nothing to demonstrate that the Petitioner was insane at that time. Dr. Garcia testified that the Petitioner had no previous history of mental illness (Tr. 599). Three days after his arrest the Petitioner summoned the Sheriff of Canadian County to the jail and gave law enforcement officers a detailed confession which was reduced to writing. Three days later it was signed by the Petitioner after he had made corrections to the statement (Tr. 547-548; State's Exhibit No. 68, attached hereto as Appendix "1").³

Other evidence supports the competency of the Petitioner at the time he murdered Reverend and Mrs. Douglass. The Petitioner and Hatch fled the scene and traveled from state to state, which the Petitioner lucidly sets forth in his confession. Details of that journey are related in their entirety. While drug and alcohol use are mentioned, no statement is made which reflects upon his mental competency.

Furthermore, testimony at trial revealed that, when in Louisiana, the Petitioner made a statement to Virginia Keef that he had obtained the jewelry that he and Hatch showed her from some people in Oklahoma they had killed. According to Ms. Keef, the Petitioner also telephoned his sister and became "scared" when told that "the two kids

³ Certain blank pages and spaces appear throughout the statement due to the fact that part of it was excised to delete references to other crimes (Tr. 479-482, 502).

had lived" (Tr. 457). Furthermore, when arrested in Colorado, the Petitioner had the credit card of Mrs. Douglass in his possession (Tr. 411).

Agent Shields of the Oklahoma State Bureau of Investigation testified that when the Petitioner gave his statement he was very calm and communicated well (Tr. 523). Sheriff Stedman, who was also present when the confession was given, testified that the Petitioner was responsive, coherent and alert (Tr. 536).

In the present case the Petitioner was certified as competent to stand trial (A. 2--Letter of Dr. Garcia May 22, 1980). Therefore, the Petitioner cannot claim that he was denied due process for this reason. See, Drope v. Missouri, 420 U.S. 162 (1975). The Petitioner's attorney did not object to this finding and did not assert this as a ground for appeal or as a part of his Petition to this Court, other than to complain of his appearance at trial due to the prescription for Thorazine (Petition, pp 18-20). Most importantly, on the day of trial, the Petitioner's attorneys withdrew their Motion for Sanity Trial to Determine Present Sanity (Tr. 3-4; A. 3 herein).

There is presently no constitutional right to have a psychiatric examination of a defendant's sanity at the time of the offense. United States ex rel. Smith v. Baldi, 344 U.S. 561, 568 (1953). Under Oklahoma law a defendant is not entitled to the services of a court-appointed psychiatrist or the funds to retain one. Irvin v. State, 617 P.2d 588, 594-95 (Okla. Cr. 1980).

In Pedrero v. Wainwright, 590 P.2d 1383 (5th Cir. 1979), the Fifth Circuit noted that in that Circuit in a state case a defendant's sanity at the time of the offense must be "seriously in issue" or there must be "reasonable ground to doubt" his sanity. 590 P.2d at 1391.

In Payne v. Thompson, 622 P.2d 254, 255 (6th Cir. 1980), it was held, "[n]or can we find a federal constitutional violation in the state trial court's refusal to provide expert witness and psychiatric examination by witness of his own choosing."

Furthermore, the Oklahoma Court of Criminal Appeals in the present case held that this argument was waived in that it was not preserved in the Petitioner's motion for new trial. See, 663

P.2d at 6. An examination of the Motion for New Trial bears out this fact (A. 4 herein). In Oklahoma, only assignments of error presented in the motion for new trial will be considered on appeal, unless the error complained of is fundamental. Hawkins v. State, 569 P.2d 490, 493 (Okla. Cr. 1977). This is a long-standing rule of criminal procedure in Oklahoma. See, Eads v. State, 640 P.2d 1370, 1371 (Okla. Cr. 1982); Strong v. State, 547 P.2d 383, 385-86 (Okla. Cr. 1976); Hurley v. State, 416 P.2d 967, 971-72 (Okla. Cr. 1966).

Failure to comply with a state procedural rule normally bars federal review of an alleged constitutional error. Engle v. Isaac, 456 U.S. 107 (1982). See also, Estelle v. Williams, 425 U.S. 501, 513-16 (1976) (Powell, J. concurring) (failure to object to appearing in prison garb should act as waiver of constitutional right).

In view of the fact that there was no showing that the Petitioner was insane at the time of the commission of the murder, and because the Petitioner failed to raise this issue in his Motion for New Trial, certiorari should not be granted to review this issue.

II.

WHERE THE PETITIONER'S ATTORNEYS DID NOT RAISE THE ISSUE OF THE PETITIONER BEING UNDER THE INFLUENCE OF THORAZINE TO THE POINT OF BEING UNABLE TO ASSIST HIS ATTORNEYS AT TRIAL AND WITHDREW A REQUEST FOR A STATUTORILY AUTHORIZED TRIAL BY JURY ON THE ISSUE OF PRESENT SANITY PRIOR TO THE CRIMINAL TRIAL, HE WAS NOT DENIED ANY CONSTITUTIONAL RIGHT.

The Petitioner next contends that he was denied the right to a fair trial due to the Thorazine which was prescribed for him by Dr. Garcia in a letter to the Court advising that the Petitioner was now competent to stand trial (See A. 3).

The Oklahoma Court of Criminal Appeals noted that, upon the Petitioner's return from Eastern State Hospital where he had undergone observation, the Petitioner's attorneys withdrew their motion for trial on present sanity. See, Ake v. State, supra, 663 P.2d at 7. Indeed, the trial transcript reflects that, on the day of the Petitioner's jury trial, the Petitioner's two attorneys withdrew their Motion for Sanity Trial to Determine Present Sanity (Tr. 3-4, A. 3 herein).

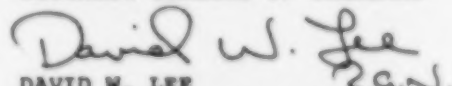
In Oklahoma a defendant in a criminal case has the right to a jury trial on the issue of whether he is competent to stand trial. 22 O.S.1971, § 1161 et. seq. (Now 22 O.S.1981 § 1175.1 et. seq.) Cox v. State, 644 P.2d 1077, 1078 (Okla.Cr. 1982); Beck v. State, 626 P.2d 327 (Okla.Cr. 1981). Since the Petitioner withdrew the motion for such determination and raised this issue only in closing argument, the Petitioner's contention in this regard is meritless.

CONCLUSION

For the reasons stated, the Petitioner's Petition for Writ of Certiorari should be denied.

Respectfully submitted,

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APPENDIX - 1 STATEMENT OF THE PETITIONER GIVEN ON
NOVEMBER 23, 1979.

jb

CANADIAN COUNTY

SWORN AFFIDAVIT

PAGE # 1

STATEMENT OF GLENN BURTON AKE

Q: This will be an interview with Glenn Burton Ake at the Canadian County Sheriff's Office in the Sheriff's Office in El Reno, Oklahoma. My name is D.L. Stedman, Sheriff of Canadian County. Present with me are Agent Greg Shields, OSBI and Mr. Glenn Burton Ake. Glen what is your date of birth?

A: Nineth month, the 8th day of 55.

Q: (DS) Is Glen Burton Ake your true and correct name?

A: Yes it is.

Q: (DS) Do you go by any aliases?

A: Yes I do.

Q: Tell those to me, would you?

A: John Vandenoever, its not Johnny like everybody has been saying, Skip Thompson.

Q: (DS) Spell Vandenoever for me?

A: V-A-N-D-E-N-O-V-E-R. All one name, no hyphens. The other name I went under was Skip Thompson and I went under that in Casper, Wyoming and Shoshoni, Wyoming, and ~~Skip Thompson~~. I went under ~~Skip Thompson~~ that in Louisiana, New Orleans when I was working for Jack Thompson Shows. Billy Williams I used one time for one day just passing through. The people that I stayed at their house ask my name and that's what I told them. That's all my aliases.

Q: (DS) Okay, Glenn, are you aware that this conversation is being taped?

A: Yes I am.

Q: (DS) Have you agreed to it?

A: Yes I have.

Q: (DS) Okay, let me read you your rights under the Miranda Warning. You have a right to remain silent. Any statements that you make can and will be used in evidence against you. You have a right to consult with and have present prior to and during interrogation an attorney either retained by you or appointed. If you cannot afford an attorney one will be appointed for you prior to any questioning if you so desire. You may stop talking at any time you desire. Do you understand each of these rights that I have explained to you?

A: Yes sir.

Q: (DS) Having these rights in mind do you wish to talk with us now?

A: Yes sir.

Q: (DS) Okay, Glenn in your own words, why don't you start back on October 15th and tell us what happened that day and during the previous days until you were arrested in Colorado.

A: Alright, a, there was one other question that I wanted to ask you. Anyway it started out that morning. I got up and I found out that the girl I was living with, Theresa Colley, was a going out on me, she stayed out all night that night and the night before. And I woke up and I was sort of pissed off. I started drinking before I went to work.

Q: (DS) And this was all on Monday the 15th of October?

A: This was all on Monday. I woke up about 8 o'clock in the morning and started this. I started drinking. At 2 o'clock in the afternoon my crew showed up and she wasn't there still. So I went on ahead and went to work, continued to drink all the way there too.



CANADIAN COUNTY

SWORN AFFIDAVIT

PAGE # 2

STATEMENT OF GLENN BURTON AKE

A: Got there and showed up for work

So we decided to get rid of my job, so I left my derick hand there, I was short-handed already, left my derick hand to drill, cause the tool pusher said that he could have a drilling job next if I wanted to get rid of him. So me and Steve borrowed Dewayne's car, Dewayne Lucas, which was my derick hand and he loaned it to us and so we went ahead and went back to Enid, got back to Enid and we was around the house and she still hadn't come around. I tried to find her and I finally located her and I couldn't get in touch with her, she wouldn't talk to me, so she there. So I went ahead and moved all my furniture out of the house, everything I had, called my dad, he called my Grandfather, they both showed up over there, we moved the whole house out. We got the house moved out, I didn't know what I was going to do, I started looking for her, couldn't find her, finally we just took off. We were going to take the car back out, we had Steve's car there, Steve has a car in Enid, had one, still there probably, somewhere. And we took off and we went out towards the rig, went by the rig, we didn't go exactly by it, went around the section line by it. Went over to this other place, we looked at it, didn't look very promising so we just went on by it. At that time I knew that I couldn't go back by the rig so we just decided to head on down the road and get out of there, we had a little bit of money on us. So we went on, we headed on down the road, I forget which highway it was, we cut over to Hennessey and started coming south, bought a bunch more booze, whiskey and stuff, started drinking. We got down the highway, it was dark time, I don't know what time it was exactly and we decided to start driving the section lines to see if we could get us, pick us up some more money by doing a burglary or something, you know. We drove up to this one house and we didn't like it so we drove out. We went into two or three houses like that and finally we came to this one house where Mr. Douglass lives. We pulled into the driveway and there was about 6 or 7 Doberman Pinchers met us at the driveway so I went up and made a phone call, played like I was going to make a phone call, went up to the door and she let us in. Well she..they didn't let us in the dogs stopped us and they came outside and met us and they let us come in to make a phone call. I said I forgot the phone number in the car and so I went back to the car to get it, I was pretty scared. I never done...all we was going to do was the burglary but the people was home. So we...I went back up to the house and played like I was going to make a phone call and told Steve to meet me coming in the door, come on in the door. Steve came up to the door and I pulled out my gun and I said alright, everybody in the living room on the floor. Everybody went in the livingroom on the floor. We continued to go on through the house to burglarize the house with the people there and all, that was all we was going to do is burglarize the house. So we came back in the livingroom, we stayed there for about 30 minutes, I guess, searching the place, we had one of the kids show us around to every room, where all the money was, all the little cups of money and everything, trying to get some money. So Steve goes through their wallets, I guess, doesn't find nothing but a credit of Mrs. Douglass. They had bunches of credit cards but nothing was taken except for one Visa card from Mrs. Douglass. Left all his credit cards and everything so people would think nobody took credit cards. So we were all in the living room and it was about time to leave and I told Steve to go outside and get in the car and turn it around and get it ready to go, get it running and ready to go. Steve goes outside and hops in the car and he warns me, he says, "don't do nothing drastic before we leave." I tell him, I say, "don't worry I ain't, don't worry ain't." Finally I got him talked into leaving outside, going outside. He walks outside get in the car turns it around, starts it up. And I stands by the end of the couch and I unloaded a .357 magnum loaded with .38 wad cutters on these people. I continue to run out the door and the dogs were all barking at me so I slowed down to a walk, walked out the door, I drove off, drove off. Steve asked me what I done and he told me I should of never done nothing like that. So we go on down the road to Arkansas, Ft. Smith, Arkansas. So we decided to get rid of that car that Dewayne

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STATEMENT OF GLENN BURTON AKE

A: Lucas loaned us so we parked it in the back of this motel where we stayed that night. We parked it behind it and left it there and hopped on a bus to Memphis, Tennessee and we decided that we would make a switch in buses and confuse everybody. We switched buses and we went to Memphis and we stayed there at the Ramada Inn for two days where we got ripped out for \$800 but we still had \$900 left. We had \$1700 when we left, before we done any burglaries, but we knew that wasn't going to last

Never-

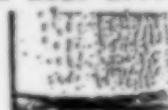
the less, we should of never done any of those serious crimes. We went on down to New Orleans, we got that job, we got that job and we went to work and we worked there for about a week or so and I met this girl, Ginger, I don't know her last name at all now. And we picked her up, Steve told me not to pick her up, not to take her with us but I wouldn't listen to him cause I knew her before, when we lived in Shoshoni with her and she knew me as Skip, that's what everybody while the whole journey was on, was Skip. So we went ahead and worked awhile and she was going to move on the lot with me and they fired me for letting her move on the lot. So we went ahead and left there headed towards Texas on the bus and we got to Texas. Can I stop for a moment?

Q: (DS) Yes.

A: When we were headed through Texas, we started headed into Texas, we were on the bus we didn't have enough money to ride very far and we were going to stop at that lake, right this, right that side of Texas, still in Louisiana.

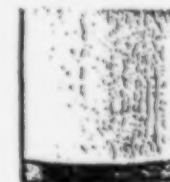
Q: (DS) Lake Charles?

A: Lake Charles. Okay we met this guy on the bus and he said he could put us up for the night if we made it to Orange, Texas. The next town away. We had just enough money to get there, we done blow all our money on our travels. So we went ahead and we went to Texas, Orange, Texas, we stayed there the night this man had a wad of money on him you wouldn't believe, about \$2800-\$3000, but he was being real good to us by giving us a place to stay and everything and Steve wanted to go ahead and burglarize it but we didn't. I told him no and I was the main whole thing the whole cappers was my brain whatever I told Steve we didn't do, we didn't do it. So we went ahead and left the next morning with just a few dollars in our pockets and he gave us a ride....well we stayed there two days, yeh, two days, and we continued on and he gave us a ride, he wanted to get rid of us out of his house I guess, cause we had already imposed on him two days. He gave us a ride it was about 40 miles from there about 50 miles or something like that, where he dropped us off on the road by this park, stopped by this park, went across the street, he dropped us off headed north towards 80. We didn't want to head north



STATEMENT OF GLENN BURTON AKE

We was headed north there so we could just go south and cut off on 10. We went down that way, paying cash for all the gas. No one could trace us with the credit card. We get down south on 10 comes on across into New Mexico into Arizona, into Nevada, go up through Nevada, get into the northern part of Nevada and just crossed the border into California and we're low on money. So we head south again cause there was no cut over from where we were at. So we had to go all the way down south to Barstow, towards Barstow California, where I had a Gulf card from that one guy in Texas. I used it in one place. We went on from there, we went on down south, started using that Visa card, Ginger did. Started using that Visa card and went all the way across to California go up through my home town, up through my home town, on through there, went north of there and started headed east again, figured we would throw the patrol again, by heading east. Changed plates three times already by that time, on that car. Then we picked up another set of California plates on that last venture east. So we threw them off cause we didn't want to use that Visa card in the same place all the time. We started headed east and got into Nevada and started blowing all our money. Well I gave Steve the money and he goods with money and he can handle money, I can't, I blow it too much. I gave him \$150 and I kept \$300. We were headed through there and we got to a place called Battle Mountain and we was gambling in the Casino, he was playing 21 and I was standing at the bar, drinking whiskey. Every time we done this, I had to be all fucked up, everytime I done any shooting I was all fucked up on whiskey. Whiskey makes me nutty, anybody will tell you that, anybody, that's the only time I'm ever rowdy whenever I drink whiskey. We stopped there started drinking Whiskey and everything and these guys invited us over for dinner, these young people, they were all bikers and stuff. The kind of people I run around with. I had a leather vest on at the time, levis, Harley Davidson belt buckle, boots, Harley Davidson hat and everything. So they invited us over thinking we were bikers too, you know, So we went over there and we partied there for three days, hard, \$300 worth of whiskey, half gallons, gallons of whiskey, wine, beer, we headed out of there thinking we were getting hot cause the cops were watching us over very close. We headed out of there and headed into Utah on Visa, everything, all our travels were on Visa. We went all over Utah with that Visa card. She just sign the shit right out of it. Spend 3 or 4 thousand dollars on that Visa card in Utah alone. Whatever she wanted to buy and whateverbody wanted to buy, we bought with that Visa card, we got com checks with that Visa card and everything. She always kept saying com checks, com checks, that's all she got, she got Visa quick, she got Visa power



STATEMENT OF GLENN BURTON AKE

A: or what ever you want to call it. We headed out of Utah, headed north up to Wyoming. Stayed in Rock Springs one night and headed on down to Baggs, got to Baggs and I went over and seen a friend of mine I wanted to see. I was going to work on a rig. Was going to keep cool, lay low and do nothing else wrong cause I didn't do nothing wrong in that state. And here we get into an argument that night at the bar but we wasn't bar hopping. We was drinking all day before then. And we left that night, well we got into an argument and everything in the bar and I wanted to knock the shit out of her but I didn't, didn't ever hurt her, so I busted her glasses, that's just as bad as hurting her cause she can't hardly see very good. So she called the law on me, I guess, told them where I had my 7 mm rifle at. The law, they just went over and got that. And I went over where the law was at, I didn't know they were there, to get that 7 mm rifle. And the laws was standing out on the road around the corner of the block. So when they seen us in there they come around. When they come around they said, "Hold it you by the car." And I was outside the car, they couldn't see Steve inside the car. So I took off running on foot. Ran for a little bit around the trailer, they still were standing over there. So I ran back to the car, hopped in the car, backed it out of the driveway and takes off and that's when I headed south out of Baggs three miles from the border. I comes down south about 18 miles, going about 130 miles an hour on black ice trying to lose them. I couldn't lose them very easy, there lights were back behind about a mile an a half or two miles. So I flipped a huey, slowed down enough where I could flip a huey and I come slidding in the middle of the road like this here, making a 180. I start coming back, I get back up there and we pass them and he sees what I done and he was already going fast as hell you know, and he couldn't stop and I whipped off on this other road which I knew, cause of an oil field up there that I worked in. Whipped off it and went on down the road quite a ways, went off this one road, parked, turned off all the lights and everything and watched him come back and go right on by and he kept on going until his lights were out of sight. We turned on and came back down that one road where we got caught at. That brings us up to date.

Q: (DS) Okay, Glenn, now that we've gone through that with you in a narrative form telling us, lets go back and start on October 15, which was a Monday. What did you do the first thing on October 15?

A: Woke up and started looking for Theresa.

Q: (DS) Who is Theresa?

A: Theresa Cooley was the one that I was living with up there in Enid.

Q: (DS) Is that Steve Hatch's sister?

A: Theresa Cooley's maiden name is Theresa Hatch, yes it is.

Q: (DS) Okay, and why was you looking for her?

A: Cause I was living with her and she hadn't been home in two nights in a row and I was mad at her and that why I started drinking, and smoking pot.

Q: (GS) Had you had a fight with Theresa the night before she left?

A: No. That's what I couldn't understand, I gave her my whole check and everything. Everything, I just come home....I'd work come home and give her my money, taking care of it, buy the kids what they need everything. I couldn't understand it. That's what I couldn't understand.

Q: (DS) After you couldn't find her, what did you do then?

A: We started drinking. I shot up about half a gram of cocaine, at one time, started smoking pot, looking for her.

STATEMENT OF STEVEN KEITH HATCH

Q: (DS) What time of day was that?

A: 9 o'clock in the morning, 10 o'clock in the morning, somewhere around in there.

Q: (DS) Okay, and how long did you look for her?

A: About an hour, that's all I could drive.

Q: (DS) Were you by yourself?

A: No, Steve was with me.

Q: (DS) Steve Hatch?

A: Steve Hatch, well he was with me the last half hour, the first half hour he was gone, I think he was talking to her.

Q: (DS) Okay, this puts us up to about 10 o'clock, where did you... what did you do then?

A: I just kept looking for her, drinking and smoking dope and shooting drugs.

Q: (GS) Where were you at that time?

A: In my house.

Q: (GS) And where was that?

A: 2112 West Pine, Enid, Oklahoma.

Q: (DS) Okay, what time did you leave the house then?

A: About 2 o'clock.

Q: (DS) Who did you leave with?

A: My derick hand came to pick us up.

Q: Who is he? (DS)

A: Dewayne Lucas.

Q: (DS) Okay, your derick hand?

A: He was my derick hand, yes.

Q: (DS) Okay, what did you do for a living.

A: I was a driller on a oil rig, working for Sarah Drilling Company.

Q: (DS) Where at.

A: Hennessey Highway and the Drummond Highway, right at that corner.

Q: (DS) That would be west of Hennessey?

A: West of Hennessey, south of Drummond, all the way to the Hennessey highway.

Q: (DS) How did you leave?

A: In his car, he was driving, I couldn't drive.

Q: (DS) Was anyone else with you?

A: Steve Hatch was.

Q: (DS) Okay, what kind of car did Dewayne Lucas have?

A: 64 Malibu.

Q: (DS) Do you remember the color?

A: It was yellow with alot of primer spots on it. Banana yellow, light yellow, lighter than banana, like a real faded out banana.

Q: (DS) And you said this was about 2 o'clock?

A: About 2:30 or something like that.

Q: (DS) Where did you go?

A: Went to the rig.

Q: (DS) Okay, did you do anything on the way to the rig?

A: Okay, drank beer and whiskey. Soon as we got to the rig, I could make it up to the dog house and change clothes, that's all that I could do.

that's when we borrowed the car and left.

Q: (DS) Glenn do you, are you an outdoors man?

A: Yes I am

Q: (DS) Do you like guns and hunt quite abit?

A: No.

Q: (DS) You don't hunt much?

A: I've never went hunting at all.

Q: (DS) Is that right?

A: I lugged guns while I was in the army. I was an expert. I like tearing them apart and working on them and putting them back together.

Q: (DS) Did you own a gun at that time?

A: That day, yes I did.

Q: (DS) What was it?

A: .357 magnum.

Q: (DS) Where was that gun at that time?

A: It was in the car, in my lunch box. I was going to take it out to the rig and practice shot with it.

Q: Did you?

A: No.. I went out and bought a whole box of shells but I never shot them.

Q: (GS) When did you buy shells?

A: The day before, the 14th.

Q: (GS) Where did you buy these shells?

A: K-Mart, in Enid, Oklahoma. They had no .357 rounds at all.

Q: (GS) What type shells did you buy?

A: .38 wad cutters. .38 Special Wad cutters. They said they would shoot through the gun but they would leave a lead build up so I bought a wire brush and a cleaner so I could clean the barrel every time I fired 6 shots through it, which I did. I practice shot with it quite a few times before we went out that night?

(GS) Q: Where did you practice shooting?

A: I practice shooting at the reserve pits. Cross reserve pits, thats an oil rig about ...-

(end of tape)

Q: (DS) This will be the beginning of side two.

STATEMENT OF GLENN BURTON AKE

A: I was practice shooting, I practiced about 12 rounds at the Cross reserve pit. About 150 yards and I could hit a coke bottle with it at that range. Pretty damn good.

Q: (GS) Where was this reserve pit located?

A: The one we practiced on. It was back towards Drummond and behind Waukomis. It was back northwest, where a rig had just moved off location. There was nobody on it. I went in there and I was just practice shooting. There was no houses around in site or nothing.

Q: (DS) Was this that day?

A: That day.

Q: (DS) What were you shooting at?

A: Coke bottles, coke cans.

Q: (GS) Who was present with you?

A: Me and Steve, period.

Q: (DS) Was this before you went to work?

A: No this was after we went to work and after we took off. It was before I moved. We had practiced about 15 shots before we went home, before I moved.

Q: (DS) Did you do any practicing before you went to work when Dwayne was with you?

A: Nope. I showed him the gun and everything but we never shot it. Cause I just had bought it?

Q: (GS) Where did you buy the gun?

A: I bought it off another guy. I was drinking in a bar in ^{MO.} ~~MO.~~ ^{Lahean} ~~Lahean~~ and that guy was talking about him having a bunch of guns and stuff and he said he had a .357 for sale and I told him I would buy it and we went out to his house that night and we were drunk and I bought it.

Q: (DS) When was this?

A: Around the 13th.

Q: (GS) Do you know his name?

A: No I don't.

Q: (DS) What kind of gun was it?

A: .357 magnum, Ruger.

Q: (DS) Ruger, .357. Can you describe the gun to us?

A: Just a regular .357, blue on one side was tarnished.

Q: (DS) It was blue steel?

A: It was blue steel, yes, but the blue on it on one side was bad.

Q: (DS) How long a barrel did it have?

A: Maybe about 3", 3 1/2", I don't know exactly.

Q: (DS) How much did you give the man for the gun?

A: Gave him \$125. I sold it for \$50 when I sold it.

Q: (GS) Where did you sell it at?

A: Louisiana.

STATEMENT OF GLENN BURTON AKE

Q: (CS) Who did you sell the gun to?

A: A guy who picked us up hitch hiking. I don't know who he is, what, and where. I know where he is located now, 5 miles south of New Orleans somewhere.

Q: (CS) How could you locate him?

A: Couldn't. Not now.

Q: (CS) Is this where the man picked you up?

A: No, he picked us up down by, Noma, Louisiana, south of New Orleans about 40 miles or so. We were hitch hiking. We didn't have no money to catch a bus. So I sold him that gun so we could have some money. I seen a car/along the way back towards where he was taking us and nival

I had him drop us off so we went and got a job right quick cause I knew how to talk carney talk. I knew it when I was 14, 13 years old as a run away from home.

Q: (DS) Okay, lets back up to on your way to work. You were telling me you did not do any practicing on your way to work that day.

A: Nope.

Q: (DS) Okay, what time did you get to work?

A: 5 minutes to 3, ^{right} on relief.

Q: (DS) And that's when you relieved the day light tower?

A: That's when we relived, every day, between a quarter till and 3 o'clock on the money, we relieved them everyday. I've always been on time to work and everything, never been late, always showed up 7 day a week job and all.

Q: (CS) And how long were you at the rig?

A: About an hour, I guess, if that long, I don't know how long, I know it wasn't over an hour.

Q: (DS) This was the 15th of October, was that pay day?

A: I think we got paid the day before. No we got paid Friday and that was Monday. We got paid on Friday before then. They still owe me a weeks check. I'd like to get that so I could give it to my parents too.

Q: (DS) When you left the rig. How did you leave?

A: By Dwayne Lucas' car, he loaned it to us.

Q: (DS) And who left with you?

A: Me and Steve.

Q: (DS) What did you tell Dwayne Lucas that you were going to do?

STATEMENT OF GLENN BURTON AKE

A: Take the car to Enid and that we would bring the car back to him. Told him that I was going to move and get the hell out of Dodge.

Q: (DS) And you took Dwayne's car and went to Enid?
(CS) What did you do when you first got back to Enid?

A: I started looking for her and I couldn't find her cause I knew she had a key to the place. Then I called my parents to move and we got everything moved out within 45 minutes. We moved kitchen set all the utensils, the living room set, couches, TV's stereos, hanging lamps, everything, bedroom set, bunk beds and everything out of the bathroom. That's everyting I own.

Q: (DS) And who took that, your parents?

A: Its at my parents house now. I gave it to them to take there.

Q: (DS) Okay, last night, you made a phone call to your mother. Is that stuff the stuff that you told her to sell?

A: Yes. And I'd like to call her back and tell her not to sell it. Cause I'm doing this and I'd like to give it to my nephew when he gets older, cause it was plush stuff.

Q: (DS) Okay, after you parents left with the stuff and was moved over to there house, what did you and Steve do?

A: We decided to take the car back out there and on the way back out there we decided that we didn't have no transportation so we decided to take the car to Arkansas until we could get on the bus, which we had money.

Q: (CS) Did you have the money in your pocket?

A: Yes I had money in my pocket. I had that whole check, cause I never gave her that check cause I found out she was going out on me on Thursday.

Q: (DS) Did you have any other money on you, other than your check.

A: No.

Q: (DS) Did Steve have any other money on him other than what he got from his check?

A: No. Not at that time.

Q: (DS) Okay, you did not go write a check or go to the bank and get any money or anything?

A: Oh, yes we did, we went and drawed out our savings accounts.

Q: (DS) Where was that at?

A: That was at Northwest Enid, Northwest Bank of Enid.

Q: (DS) How much money did you get there, Glenn?

A: Hundred dollars, I think, or something like that, I don't know what it was, I forget.

Q: (DS) Did Steve get any money there?

A: He got his money he had there too.

Q: (DS) Do you know how much that is?

A: I think it was around the same amount I had, it might have been

STATEMENT OF GLENN BURTON AKE

A: 50 apiece, I don't know. It was either 50 apiece or 100 apiece we had in there.

Q: (DS) Did you get that money out of a checking account or a savings account?

A: Savings account under our aliases.

Q: (DS) And what was that?

A: John Vandover and Steve Lisenbee. That was John Vandover and not Johnny. I never have used Johnny.

Q: (DS) Okay, when you started to leave Enid, did you do anything in Enid before you left?

A: Looked for her and that was it. That's all we did man.

Q: (CS) What time did you leave Enid?

A: I don't know it was in the afternoon sometime. Evening around 5 o'clock, 5:30 maybe 6. Somewhere around there.

Q: (DS) Okay, where did you go from there?

A: Headed towards the rig.

Q: (DS) The rig that you worked on?

A: Right to take his car back there but we decided right at the last moment that we weren't going to take his car back.

STATEMENT OF GLENN BURTON AKE

STATEMENT OF GLENN BURTON AKE

Q: (CS) After you left Hennessey what is the first town that you come to.

A: I don't know, to tell you the truth, I was drunk and I don't know where we were at. I wasn't driving, Steve was.

Q: (CS) Do you remember stopping any place?

A: We stopped in Hennessey to get some beer, south of Hennessey to get some beer to drink. That's it. Love's Country Store or what ever it was, south of Hennessey. Stopped there and got some beer, we had three cases of beer in the back.

Q: Okay, were you on Highway 81 at this time.

A: I think so, I'm not for sure.

Q: (DS) Where did you go from there Glenn?

A: South to these other peoples house. We went around looking for other places but nothing looked any good.

Q: (DS) Okay, if you were going south on 81 did you go through Kingfisher?

A: I guess so.

Q: (DS) Did you stop in Kingfisher?

A: Maybe to get gas. No we gased up at Love's Country Store. We didn't stop in Kingfisher, I don't think. I don't know, I was wiped out.

Q: (DS) Did you a.....

A: All I remember are the high points of that night.

Q: (DS) Do you remember going through Okarche?

A: When we went through, I slept most of the time except when we were looking at houses. I was getting ready to look at this house and



STATEMENT OF GLENN BURTON AKE

A: I'd say, "no, no, no". And finally we came to that one house and he kept bugging me and bugging me to look at houses and I finally said, "pull in this one."

Q: (DS) Who kept bugging you, Steve?

A: Yeh. He kept looking at the ones with no lights on and everything.

Q: (CS) Did this house have lights on?

A: Yeh, the one I said pull in to, sure did, had a who's family in it. The Douglass family.

Q: (DS) Could you tell us where that house is?

A: To tell you the truth, I can't, can't tell you how to get to it or nothing. All I know is that it's not far from the highway.

Q: (DS) How far from the highway?

A: I don't know but its' not very far cause it didn't take us very long to get back on the highway.

Q: (CS) What would you guess it would be?

A: Quarter of a mile, not very far. I don't know for sure but I don't think it was very far from the highway.

Q: (DS) Is it on a country road, section line?

A: Dirt road, yeh. Section line.

Q: (DS) Which side of the section line is it on?

A: If you're headed east I think, its on the right hand side. On the south side of the road. I'm I right, south side of the road, if you're headed...., south side of the section line, I'm pretty sure.

Q: (DS) Okay, did you pull in the driveway?

A: Cause I don't know which way we were headed. I think we were headed, east or west when we pulled in. Yeh, we pulled right in the driveway and I told Steve, "pull right in the driveway, pull right up like you're going to make a phone call."

Q: (DS) How long was the driveway?

A: Pretty good driveway, I guess, I think.

Q: (DS) Straight or curved?

A: I think, it was straight with a small curve at the end. I think.

Q: (DS) Can you describe the house to us?

A: No, I sure can't. All I seen was 6 Doberman Pinchers or so.

Q: (DS) Was it frame, brick, one story, two story?

A: I think it was one story, with a part with two story in it. In fact, yeh, I know it had to be part of a two story, it had to be, because I remember going down stairs and there was a little room there and that was it. Downstairs, I think.

Q: (DS) Okay when you pulled up into the driveway and parked, where did you park?

A: Right in front of the garage door.

Q: (CS) Was there any other vehicles?

A: Yeh.

STATEMENT OF GLENN BURTON AKE

Q: (GS) Could you describe them?

A: One was in the drive, I don't know what they was, there was two vehicles there.

Q: (DS) Do you know what kind they were?

A: I don't know, I was pretty messed up whenever I was going in there, I was scared off my ass. Cause I never done nothing like that with people home, no burglaries, I didn't know what I was going to do.

Q: (DS) Who got out of the car first?

A: Me. I told Steve to get in it.

Q: (DS) And what did you do when you got out of the car?

A: I went up to make a phone call. When I seen they were going to let me make a phone call I told them I had to go back out to the car and get the number.

Q: (DS) Was the dogs barking?

A: Severly.

Q: (GS) Who answered the door?

A: A, I never went to the door, I went by the corner of the garage and I stopped and a girl and a boy came out..

Q: (GS) What did you say to the girl and boy?

A: I said, "We need to make a phone call; we're lost. I'm trying to find a friend of mine."

Q: (GS) Who did you ask for?

A: Nobody. I don't remember who I asked for.

Q: (GS) Did you ask for anybody in particular?

A: Yeah, I asked for some Joe Blow or something, you know, some off the wall name. Just the first two names that caught in my head. Tom Brown or William McKoney or something, you know. Just anything that would pop up.

Q: (DS) But you don't remember what those names were?

A: I don't remember what I asked for, no.

Q: (DS) What did they tell you?

A: They said, "Yeah, you can come on in and use the phone." So I went in and seen there was a phone and I said, "I got to go get the numbers," so I walked back out to the car and told Steve to come on it as soon as I get inside and everything. So I walked back up and the dogs let us in at that time because the people had done told them it was all right, right? So we went back up to the door and I had a 357 stuck in my belt and my shirt on top of it and then I got to the phone and picked it up and started dialing some numbers, just any numbers, and I don't know what numbers it was. I looked at the prefix and dialed those first three numbers of the prefix and dialed four more numbers, put the receiver down so it would disconnect, pretending like I was talking to somebody and I was looking at the door all the time to see if Steve come up and as soon as Steve come up, the man of the house, like that, and then I whipped it out, hung the phone up. And I said, "All right, everybody in the living room." I was the top of all the whole thing. I done all the talking and everything of the whole

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(Answer continuing)

bit. I was pretending like I was a crazy man from the funny farm which I was just about at because I was all fucked up on whiskey.

Q: (GS) Did you tell them that you were crazy?

A: Yes.

Q: (GS) What did you tell them?

A: I told them I just out of of Ft. Supply. "I'm crazy, you better do what I say."

Q: (DS) And then what did you do, Glenn?

A: Made them all lay down; tied them up and started going through the house. Covered their heads up.

Q: (DS) Was Steve in the house at that time?

A: Yeah, at that time he was.

Q: (DS) Did he bring the shotgun in with him?

A: Uh-huh. It was unloaded; didn't have no shells in it.

Q: (DS) Was it?

A: Can't shoot nobody with an unloaded gun.

Q: (GS) What was Steve's job when he got into the house?

A: He was to go through everything; that's all he was good at. He was good at that. Going through jewelry boxes and stuff. Or finding hard to spot things, you know, losing stuff; like where people stash money and stuff. He was pretty fair at that but even though, he didn't find no money.

Q: (DS) You told us earlier that you -- that you wore gloves. Did you both have gloves on at this time?

A: Yeah, he did. I didn't at that time. As soon as I hung up the phone and got them all in the living room, I put the gloves on. And I think I wiped the phone off and I went out and yanked all the phone wires out of all the phones; the receiver parts, went through all those and yanked out all those.

Q: (DS) You did all that. You say ^{Steve did} didn't yank any phones out?

A: He might have yanked out one, I don't know. He might have found one that I didn't, I don't know. I found two or three though I did in that house.

Q: (DS) Were all four of the people laying on the floor?

A: Uh-huh.

Q: (DS) Where at in the house?

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A: In the living room.

Q: (DS) Can you tell us where in the living room?

A: In front of the couch. One right in front of the couch; coffee table separating Mrs. and Mister and the girl was behind the man and the boy was up by the fireplace laying lengthways from the other ones.

Q: (DS) Okay, Glenn, at what point did you tie them up?

A: At that point as soon as I got them laid down.

Q: (GS) Did you tie all four of the people up?

A: I tied everybody.

Q: (DS) What did you tie them up with?

A: Rope, cords, anything I could find.

Q: (GS) Where did you find the rope and cords?

A: Kitchen. I asked Mrs. Douglass where there was any twine or any rope or anything before I had her lay down. She gave it to me. Is there any way I can get some water?

Q: (GS) Why don't we go ahead and continue this and I'll get you some water.

Q: (DS) Okay. While you were -- where did you end up getting the cords and stuff, did you say?

A: At the kitchen.

Q: (DS) Can you tell me what kind of cord it was and where it came from?

A: Nylon cord and I don't know where it came from in the kitchen.

Q: (DS) You say you bound all four of them?

A: Yes.

Q: (DS) Did you gag the people?

A: Yes, some of them. Yes, I did.

Q: (DS) What with, Glenn?

A: Pieces of cloth, anything I could find. Pieces of cloth, I think most all of them. I think it was all of them, pieces of cloth.

Q: (DS) Did any of the family go through the house with you?

A: Yes, I told the daughter to get up and find us all the money spots.

Q: (DS) This was before you bound her?

A: Right.

Q: (DS) Who went through the house with her? You or Steve?

A: Me. She gave us all -- she found us -- she went through the rooms, she showed up where all the money was and we had her

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(Answer continuing)
get back in the living room and laid her down. Was trying to get in a hurry because we already took too much time.

Q: (DS) Where was Steve while you were going through the house with her?

A: In the living room.

Q: (DS) What was he doing?

A: He was looking through all the things in the living room and went into the other bedroom and looked for things. In the parent's bedroom.

Q: (DS) And the man and the woman and the boy were tied in the living room floor and the girl was with you?

A: For about fifteen minutes and then she was tied up.

Q: (DS) At any time did you assault or attempt to sexually assault the woman or the girl?

A: No, just tied them up.

Q: (DS) Okay.

A: All we wanted was the money.

Q: (DS) Did you take anything else, Glenn?

A: Just the watch.

Q: Did you take anything other than the watches? (DS)

A: All the change they had. There was one big old cup of quarters and nickels and dimes.

Q: (DS) Can you describe the watches to me?

A: Both of them were Seiko watches; blue face on one and white face on the other.

Q: (DS) Both of them men's watches or --

A: Both of them men's watches, yes. No woman's watch. Yes, there was -- no, there wasn't no woman's watch.

Q: (GS) Was there any other jewelry taken? (DS) Rings, necklaces?

A: Oh, yeah, two rings. Matching set, gold bands with red stones in them all the way around.

Q: (DS) How many stones you think?

A: Eight a piece or something like that.

Q: (DS) Okay. Where were those taken from?

A: I don't know. Steve got those. Maybe they were out of the master bedroom because they were a matched set so I would imagine they came out of the master bedroom.

Q: (DS) Back up just a little bit, Glenn, when you first went into the house or you both went into the house, where were the people in the house?

A: Mother was in the kitchen. The daughter was in the living room. The boy was in the living room and the man was in the living room -- bedroom.

Q: (DS) In the bedroom? Master bedroom?

A: When he came out though was just about whenever Steve cocked it through the door.

Q: (DS) Okay, after you go through the house with the girl, what do you do then?

A: Take her back in the living room and tie her up and told Steve to go outside and turn the car around.

Q: (DS) And let me understand correctly. You've told us they are all four tied up in the floor and..... (End of tape two) (Beginning of tape three)

A: Gagged.

Q: (DS) Were they covered up with anything or....

A: Their heads.

Q: What with?

A: Shirts, whatever we could find. Cloth.

Q: (GS) Who covered the heads?

A: Steve covered the heads.

Q: (GS) On all or part of them?

A: (Part of them and I covered part of them. I covered two and he covered two. He covered the boy and the mom and I covered the man and daughter.

Q: (DS) Okay, what did you do after you covered them up?

A: Looked through the house for about another two minutes or so. I spent too much time there so I told him to go out and turn the car around as he told me not to do anything that drastic, right, we're already in bad enough. I told him to go turn around the car and don't worry about it. I wouldn't do nothing, so he went out and started the car up and turned around and he head me shoot.

Q: (GS) What was the conversation that you had with the family? Were you talking to them?

A: Yeh. (Affirmative) I told them I was a crazy man.

Q: (GS) What were they saying to you?

A: Uh, they was just saying don't shoot us. That's it.

Q: (DS) Did you make any threats to them?

A: I said just be quiet or I'll shoot you.

Q: (DS) Did you know that the man was a preacher?

A: No, I didn't.

Q: (DS) Did anyone there tell you that he was a preacher?

A: Uh, no, they didn't tell me that.

Q: Okay, Glenn, did you make any threats to any one person?

A: No, I told them all, all the same.

Q: Okay.

A: All were in the same room when I was threatening. All in that room.

Q: (DS) Okay, after you told Glenn, excuse me, when you told Steve to go outside, did he go outside?

A: He hesitated for a few minutes, trying to calm me down because I was all spaced out. I was all fucked up on this, I done a bunch of speed in the car before we got there. Drinking whiskey and speed, they don't mix. He was trying to calm me out of it. Telling me come on, come on, lets get the fuck out of here, come on. I said just go out and turn the car around and shut up. So he went out and he turned the car around and shut up.

Q: (DS) How long was he in the car before you went out?

A: Three or four minutes.

Q: (DS) What did you do after he went outside?

A: Told the people, I says, I'm sorry but dead men don't talk. And then I emptied out six shots.

Q: (DS) Out of what?

A: .357 magnum, 38 special wad cutter shells.

Q: Okay, and who did you shoot first?

A: The man, the boy, the daughter, the mom, the man again, and I can't, I think I shot the boy twice.

Q: (DS) But you don't remember for sure?

A: I don't where I put that last shot. I was all fucked up.

Q: (DS) Okay, and then after you shot them what did you do then?

A: Ran out the door.

Q: (DS) When you ran out the door..

A: I slowed down and stopped because of all the dogs right there.

Q: (DS) Okay, but when you ran out the door did you think that all four people were dead?

A: I didn't know. I didn't think so. I thought I just hurt them bad enough, I tied them loose enough to where they could get away, but not right away. I wasn't intending to kill them all, I just wanted to hurt them where we could get out of state for awhile. We was pretty close to the stateline, we headed straight east. I didn't know they was dead or not. I was just saying that.

Q: (DS) Okay, you ran out the door...

A: All I wanted to do was hurt them bad enough to get out of state.

Q: (DS) You ran out the door and you slowed down because the dogs were barking.

A: Uh-uh (affirmative). There was six Doberman Pinchers, or a bunch of them anyway. I don't know how many, there was a whole bunch of them.

Q: (DS) Then what did you do?

A: That's when I hopped, I walked the rest of the way to the car, got about six foot from the door and ran out to the car. I said get the hell out of here.

Q: (DS) Who drove?

A: STEVE drove. He already had the car started and I told him that I couldn't drive.

Q: (DS) And...

A: I was too tired. I was like shaking like a leaf and I was all spaced out.

Q: (DS) And when you left, where did you go from there?

A: Went down the driveway and out and was on the highway before long. I know that. We was headed south.

Q: (DS) Did you know what highway that was?

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A: We was on a dirt road before then. We came in from a different direction.

Q: (GS) What was the first thing you remember seeing after leaving the house?

A: The birdges. A wood bridge, a small one, real small, two foot on the sides.

Q: (DS) Was that before you got to the highway.

A: Yeah. Like a big creek or something. Right, just a rail, just a little guard rail, I wouldn't call it a bridge, little guard rails.

Q: (DS) Okay, after you got to the highway which direction did you turn?

A: We turned left. I think it was south.

Q: (DS) Okay.

A: Cause we ended up coming out of the south.

Q: (DS) Okay, where did you go from there?

A: Oklahoma City. Through Oklahoma City and we was worried about getting busted being in that car. And we went straight west across the border into Fort Smith.

Q: (DS) Straight west?

A: East. Excuse me.

Q: (DS) On what highway?

A: I think it was eighty. I sure it was eighty.

Q: (DS) Did you make any stops in Oklahoma City?

A: Nope. No stops. Straight through. We had gas.

Q: (DS) Did you make any stops between Oklahoma City and Fort Smith?

A: Rest stop. Take a piss. We stopped two or three times to do that. Not at just rest stops but just off the side of the road. And I was drinking pretty heavy. And that's against the law.

Q: (GS) What were you drinking at that time?

A: Boiler makers. Whiskey and beer, half and half. Half a can of beer and a half a can of whiskey. Canadian whiskey. Canadian Lord Albe. Same thing I was drinking before we got there. *CMW
JG-BF*

Q: (GS) Backing up just a moment, were you smoking cigarettes at the time?

A: Smoking cigarettes, smoking pot, shooting drugs, I was doing everything.

Q: (GS) What type of cigarette do you normally smoke?

A: Camel filter light.

Q: (GS) Do you know what STEVE normally smokes?

A: Marlboro's. But I, I ran out that night once. I had to borrow some of his to. He smokes Marlboro normally. But I was smoking his anyway. Cause I was forgetting mine in the car and smoking his in the house. I think maybe I brought one or something like that on me. I was smoking, I used to smoke Raleigh filter Kings

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Q: (GS) Do you remember...

A: But I forget what kind of cigarettes I had with me that night cause I don't know. I don't know. All I know is that I was smoking.

Q: (DS) What kind of beer do you usually drink, GLENN?

A: Uh, Bud, Michelog, Lowenbraw.

Q: (DS) Anything?

A: Anything that's got, anything that's good. Any thing that Anhuser Busch usually.

Q: (DS) What kind does STEVE usually drink?

A: Anything that I drink. He usually goes along....I used to drink a lot of Old Milwaukee up there in Enid. A lot of it. A case and a half a day. It took about, oh, a good two six-packs to get me fucked up on beer. That's why I was drinking whiskey. Alot of the two. Whiskey and beer both.

Q: (DS) Okay, while we're backed up here, do you recall what you were wearing that day?

A: I was wearing a red construction company baseball cap, a blue shirt, a T-shirt shirt, that said on the side of it, in that little sign right here, with two fingers pointing like that, it said I'll show you mine, no, you show me your's and I'll show you mine, or show me yours and I'll show you mine, or something like that it said on it. Had levi pants on.

Q: (GS) What type of shoes?

A: Boots. My boots. The boots that's out here.

Q: (DS) What kind of boots are those?

A: Wolverines. They stink. Don't ever buy any. Feet sweat in them too much.

Q: (DS) What color are they?

A: Black.

Q: (DS) What was STEVE wearing that night?

A: I don't have the foggiest. I think he was wearing a flannel shirt.

Q: (DS) But you don't remember.

A: I don't remember what the hell it was. Cause I know that I got rid of that blue shirt and that hat.

Q: (DS) You said that you had on a red construction company hat.

A: Hat on, right.

Q: (DS) Do you remember what it said?

A: Red Construction Company.

Q: (GS) Where did you discard your clothing?

A: Uh, Tennessee, no, New Orleans. I got to New Orleans, that base-ball cap is probably still there. And, uh, uh, JACK THOMPSON's trailer bunk house.

Q: (DS) Okay, you stopped two or three times between Oklahoma City and Fort Smith to use the bathroom.

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A: No bathrooms. We just pissed on the side of the road.

Q: (DS) Okay. When you got to Fort Smith, what did you do?

A: Rented a motel.

Q: (DS) Remember the name of the motel?

A: No, but it's across from the Ford place. It was across from the Ford place. I still got the card in my wallet from the Ford place.

Q: (DS) Do you remember anything else that it was close to?

A: Uh, shopping center. A small shopping center. In fact the parking lot combined with it.

Q: (DS) If I named some motels to you do you think you could remember the name of it?

A: No.

Q: (DS) What time of day was it when you got to the motel?

A: Late.

Q: (GS) What would be your best guess as to the time?

A: I wouldn't have the foggiest, to tell you the truth. STEVE went in and rented it. I had to stay in the car because I was to fucked up. Then he helped me, it was an upstairs too, cause he had to help me upstairs too.

Q: (DS) Do you remember the number of the room?

A: Two forty-three, I don't know for sure. I think it was somewhere around there though. I was in the back, way back. It was a big motel.

Q: (DS) Okay. How long did you stay there?

A: That night. The next morning we got on the bus.

Q: (GS) Which bus did you take?

A: Greyhound.

Q: (GS) Where did you go?

A: From there to Memphis.

Q: (GS) And where was the first place you went when you got to Memphis?

A: Ramada Inn.

Q: (DS) Before we leave there, how did you get from the motel to the bus?

A: Taxi cab.

Q: (DS) What kind of taxi cab?

A: Brown taxi. It was a brown colored taxi cab but it was called Black Taxi Cab, or something like that.

Q: (DS) What did you do with the car that you went there in?

A: Left right at the motel.

Q: (DS) Was this DEWAYNE LUCAS' car that you left there at the motel?

A: Yes, it was. That's probably how you can find out what motel it was.

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Q: (DS) Okay. What time did you catch the bus?

A: Eleven o'clock in the morning. I was half way straight by that time. Eleven o'clock in the morning, I think. Somewhere around then.

Q: (GS) What type baggage were you carrying with you at that time?

A: Duffle bag. That's it.

Q: (DS) What did STEVE have with him.

A: Duffle bag. Same duffle bags that was in the back of that car in Colorado.

Q: (DS) Do you have everything that you had with you in the duffle bags?

A: Right.

Q: (DS) Where was the pistol at this time, GLENN?

A: In the duffle bag. Wrapped up in the sleeping bag. Unloaded.

Q: (DS) Where was the shotgun at this time?

A: Wrapped up in STEVE's sleeping bag, unloaded. Well, his was wrapped up, but the end of it was sticking out of the sleeping bag. Cause one of the trucks seen was the end of the barrel, one of the bus drivers did by throwing it around. That's why we didn't take an airplane. Cause on an airplane they search for weapons. In and on from top to bottom.. That's why we took a bus. We were scared every through every town we went through. Scared that there would be another, bunch of cops waiting there for us.

Q: (DS) Okay, after you got on the bus at Fort Smith, you had bought a ticket, I believe you said to Memphis, is that right?

A: Yeah.

Q: (DS) Did the bus make any stops between Fort Smith and Memphis?

A: Lots of time.

Q: (DS) Did you ever get off the bus anywhere?

A: No.

Q: (DS) Did STEVE ever get off the bus anywhere?

A: No.

Q: (DS) So, you went directly to Memphis?

A: Right. Well, we got off the bus at one time at one place. And I ran about six blocks to get a bottle a whiskey cause I had the shakes.

Q: (DS) Do you remember where this was?

A: I don't remember what town it was. I know, I seen a liquor store as you pull right up into the bus station. So, I ran back and bought a half gallon of whiskey. Went back to the bus. Started drinking it and got calmed down a little bit and went to the bathroom and shot some more drugs up.

Q: (DS) On the bus?

A: On the bus. By the water container is where I done it. About a thousand points. A thousand syringe needles. With one glass (inaudible) I didn't need help to shoot up. I shot it by Syringe

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myself one time. Then when STEVE shot up I shot him up. Cause I was good with a needle.

Q: (DS) Was STEVE shot up this day?

A: Yeah, I think so.

Q: (DS) Was he shot up on the fifteenth, the day you pulled the

A: Yeah, sure was. We had about six grams of cocaine, about ten grams of speed, and a quarter pound of pot at that time, before we took off from Enid, which we got from a local, which I rather not say, because he is one of the big dealers there.

Q: (DS) You say that you don't want to say?

A: Right. He is the biggest dealer around Enid. He is one of the only ones that can get dope from California and bring it in and sell it for little bit or nothing.

Q: (DS) Does he live in Enid.

A: I'd rather not say.

Q: Okay.

A: He lives in, in the, he sells to Enid, let's put it that way.

Q: (DS) Okay, you got to your whiskey and rode the bus on to Memphis, what did you do when you got to Memphis?

A: We went across the street to get, got a motel cause we was all fucked up at the time we got there.

Q: (DS) Just across the street.

A: Just across the street.

Q: (DS) There was a motel right there?

A: Right. And then there was a bunch of cops came to that bus station and surrounded it and we thought they was after us. Which they might have been. We don't know who they was after. We was across the street, the third floor, in the Ramada Inn, looking out the window watching them do this. Two days.

Q: (DS) It was a Ramada Inn that you stayed at in Memphis?

A: Right.

Q: (DS) Right there at the bus station?

A: Right across the street, about a block down from, about a block.

Q: (DS) Do you remember what room you stayed in?

A: Third floor. I don't know what number it was. It was an end room closest to, it was the east end room closest to the road, third story. Had a real sexy looking bartender. Nothing but a hooker.

Q: (GS) What did you do while you were in Memphis?

A: Scored some drugs and stuff. We met this taxi cab driver who got a couple of hookers. Lost four hundred bucks from those hookers. And partied like a son of a bitch. Drank twenty-five Singapore slings the first night, a piece, on top of what we had.

Q: (DS) Where at?

A: At, uh, the room. And at, uh, oh, one of those topless joints.

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A: By Annie Fannie's Place, it's called the Library. The Library. You know, at Annie Fannie's we had the Singapore slings. At the Library we finished up drinking beer.

Q: (DS) What were you paying for all this with?

A: Cash.

Q: (DS) Did you you run a tab until you got ready to leave every where you went?

A: Nope.

Q: (DS) Paid for it each time you had a drink?

A: Each drink.

Q: (DS) Did you do any drinking at the club at the Ramada Inn?

A: Yeah. Singapore slings. We ran a tab there and then paid it up.

Q: (DS) Do you remember how much your tab was that night?

A: Sure don't. Sure don't. Everybody in that place knows we was all drunker than shit, though.

Q: (DS) Did you get into any hassles while you were in there?

A: Nope. None that I can remember anyway. I don't know when I'm drinking whiskey what I do. I black out. And that's what the point was there in Memphis. I was at the stage I didn't know where I was at. I don't know how I got there. I don't know how I got upstairs or nothing. All I knew was STEVE always drug me around and took care of me. That's why I like being in his company cause he would always take care of me and get me to the room instead of getting arrested.

Q: (DS) You and STEVE are brother-in-laws, right?

A: Right. Well, no, not no more.

Q: (DS) But he was married to your sister?

A: Right. They got a divorce.

Q: (GS) When did you leave Memphis?

A: Two days later. Third day we left.

Q: (GS) And how did you leave?

A: Bus. To New Orleans. We rode the bus all the way to New Orleans.

Q: (DS) You said you lost four hundred dollars to hookers there.

A: Taxi cab driver set up a couple of hookers. And they ripped us off for four hundred, we had the rest of the money stashed in the vent.

Q: (DS) In a vent? What kind of vent?

A: Vent in the room. Air duct. STEVE's good about finding hiding places. And he decided let's hide the money. Just keep out of debt.

Q: (DS) Okay, you had two hookers in the room with you?

A: Yeah.

Q: (DS) How did they rip you off, GLENN?

A: Slipped us something. In our drinks or something. Made us pass out.

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Q: (DS) Where did they get the money from?

A: Out of my wallet and out of his wallet.

Q: (DS) All right. Then you, did you tell us you took a bus and left there?

A: Yeah, sure did. And then we went to New Orleans.

Q: (DS) What kind of bus did you take?

A: Continental Trailways. We switched buses, bus companies. We rode all the way down there Continental Trailways to New Orleans. Got off at New Orleans, rented a motel.

Q: (DS) Remember the name of the motel?

A: No, I don't.

Q: (DS) How long did you stay at that motel?

A: One night.

Q: (DS) Then what did you do?

A: Um, I think we stayed in New Orleans two days too, in the motel, cause we could only get that one for one because they already had it rented out for the next day to someone else. It was already booked. New Orleans is a hard place to get a motel you have to call for reservations or put up in front where you don't have one. We rented this other motel and stayed there a night and we got on Bourbon Street and seen all the sights there. There ain't nothing to see, just a ghetto. And then the next day we headed out on Greyhound.

Q: (GS) Where did you go?

A: From there to Homa, New Orleans.

Q: (DS) Homa, Louisiana, you mean?

A: Homa, Louisiana, yeah, excuse me.

Q: (GS) What did you do in Homa?

A: Look for a job. Stayed around the motel one day. Then we came back hitchhiking. We were getting low on cash. Hitchhiked back up and that's when we seen that carnival.

Q: (GS) What carnival did you see?

A: JACK THOMPSON's show. Uh, it was, uh, New Orleans.

Q: (DS) Where is the carnival itself located?

A: Uh, I don't know, to tell you the truth. I didn't know that much about Louisiana.

Q: (DS) You told us earlier....

A: It's just south of New Orleans.

Q: (DS) You told us earlier that you got rid of the pistol to somebody that picked you up while you were hitchhiking, is this time?

A: Yeah, that was the time. From Homa back to the carnival is where I got rid of the pistol.

Q: (DS) And you do not remember the man's name.

STATEMENT OF GLENN BURTON AKE

A: No, I never even asked the man's name.

Q: (GS) Do you know what type of occupation he was in?

A: Oil field. Off shore. He was a welder. And he got hurt.

Q: (DS) Do you know how he worked for?

A: Sure don't. He drove a green beat up truck he was in.

Q: (DS) Pickup truck?

A: No, it was a flat bed. You open up the door and the door falls off. Only had one hinge holding the door on it, on both sides. Try to sell it to him for a hundred. All he had was fifty he said. So, I sold it to him for fifty. It was a hot gun anyway. It was already a gun that was in a robbery and committed a crime. Even I know that ballistics could show a thirty-eight shell through a .357 couldn't tell. I wouldn't take no chances, I sold it to him.

Q: (DS) Okay, then you saw the carnival.

A: And then I went to work for the carnival. Went up there and hired out to them. Stayed in a motel. The Fiesta Motel.

Q: (DS) Was this day time, night time?

A: It was day time.

Q: (DS) You went to work for them right then?

A: Well, went there, yeah, went to work for them and he told us it was their last night there, so, told us they wasn't doing no hiring, he said come back that night if we made good help sloughing. That's when they tear it down. So they call it sloughing.

Q: (DS) Sloughing means tearing down.

A: That's what it means, tearing down, getting ready to move. They said if we made good hands there they would put us to work. So we went out there and worked like to niggers, we were slaves, they put us on.

Q: (GS) How long did you work for this carnival?

A: Week, maybe two weeks.

Q: (GS) And where did you live during this time?

A: On the show, on the grounds itself. In sleeping bags, in trucks, underneath trucks.

Q: (GS) Where was that located from where the carnival was?

A: Right on the lot. Right on the lot, right where everything was at. That's where they sleep.

Q: (GS) Was this carnival stationary while you were working for them?

A: No, they would move around all the time. I think they moved the show three days, one spot five days, the last spot was a ten day spot and we got fired on it.

Q: (DS) Why did you get fired?

A: Cause I got everybody drunk all the time. They all picked up my habits. They told me to come back next year. If I ever wanted to come back they would give me a good ride if I could get off the whiskey.

Q: (DS) What did you do for the carnival?

A: I was running the double ferris wheel. A big ride man.

Q: (DS) What did STEVE do?

A: He run the sizzler. It was like the sizzler. Yeah it was the sizzler. That's what it was, a sizzler. Same thing as a, just little thing. They are just those little rides from up to, but they are for adults.

Q: (CS) Did you do anything else that caused you to be fired?

A: Yeah, shot off a shotgun shell. Did that on a night when we was all drunk. Right in the air. Just shot it in the air. We was all fucked up. We was all drinking Johnny Walker and Canadian. we drank about, about two gallons between about eight people.

Q: You mentioned to us earlier that it was a long barrel gun but it ain't no more.

A: No, that's where we sawed it off at. Right there.

Q: (DS) At the carnival?

A: At the carnical

Q: (DS) When did you saw it off?

A: One night when we was all drinking.

Q: (DS) Who sawed the gun off?

A: I did.

Q: (DS) Was it sawed off before you shot it the night you are talking about then?

A: Yes. It made a pretty good noise. Everybody came out with their artillery in hand ready to shoot them guns. He came over, we gave, we had a bunch of twenty gauge shells that didn't fit nothing, we gave him that and told him that was all the shells. We told him just take the cap off and popped them with a hammer.

Q: (DS) This show was named Jack Thompson's Shows, did you say?

A: Right.

Q: Was he there?

A: Yes.

Q: (DS) Did he fire you right then?

A: No. He waited until he got some more work out of us then he fired us.

Q: (DS) When was this?

A: Oh, about two days later.

Q: (DS) After he fired you what did you do?

A: Went on down the road. Started hitchhiking and that's when we went into Texas. No we got a bus there because we had the money then, that he gave us.

Q: (DS) Did you leave that day or did you stay and

A: We left that day.

Q: (DS) You didn't stay in New Orleans any I ger after you got fired?

A: Nope.

Q: (CS) How much money did you have with you at that time?

A: Hundred and twenty dollars, between us. We had to buy three tickets with it.

Q: (DS) Three tickets?

A: Yeah.

Q: (DS) Why the third ticket?

A: That's where we picked up Ginger at?

Q: (CS) Where did you meet Ginger?

A: I met her at a laundromat. We was sitting there, we went to buy a pack of cigarettes and I bough some cigarettes. She was standing at the laundromat door and I was sitting in this car and I thought she looked familiar. Then she came over to the car that was parked beside and talked to somebody else. And she said don't I know you and I said yeah, I know you too don't I. And she said from Schahoni, Wyoming and I said yeah. She said I'm Ginger. I said yeah, I said do you know who I am. She said yeah, you're Skip. I got out there, I stayed with her. Went to her house. She started being my girl then.
(End of tape three)

Q: (CS) Ginger was your girl?

A: She was going to be my girl. She said she wanted to get away from her boyfriend down there. I said, "Well, just come on with me." That's whenever I got fired from the carnival right then because they didn't want no girl being with me. Otherwise, I would probably be still working for them.

Q: (CS) Do you remember her full name?

A: No, I don't. To tell you the truth, I didn't even remember whenever she seen me at all until she said it.

Q: (DS) Okay, you said you bought three tickets, three bus tickets.

A: That Paul's place, Lake Charles.

Q: (DS) Okay.

A: We got on the bus there. We got a cab. We got on the bus there.

Q: (DS) You got a cab from where?

A: From the motel.

Q: (DS) You were staying at a motel at that time?

A: Yeah.

Q: (DS) I thought you said amminute ago that you -- left as soon as you got fired.

A: Yeah, well, we got fired at night; about eleven o'clock at night so we went to that motel and stayed the night and that morning we left.

Q: (DS) I see. Okay, let me ask you a question, Glenn, from the time you left: End up to this point, have you made any phone calls back to any of your folks or anywhere back here in Oklahoma?

A: Yes, I did.

Q: (DS) Who did you call?

A: I called my parents house. My sister answered the phone. I told her it was bugged so I only talked to her about a minute.

Q: (DS) When..

A: She said they're looking for you. I said, "That's all I want to know. Good-bye, I'll talk to you later in another state," and hung up the phone.

Q: (DS) When did you make this phone call?

A: This was in -- keep wanting to think it's Ft. Smith, but I think it's in Memphis where I called from and I called right on the way before we left. Before we got our bus.

Q: (DS) Where did you call from?

A: From Memphis, I think. Memphis.

Q: (DS) I mean where at in Memphis? From the motel?

STATEMENT OF GLENN BURTON AKE

A: Motel itself, yeah.

Q: (DS) Okay. Did you make any more phone calls?

A: No. I made one when we left Louisiana from the motel that morning. She said the phone ain't bugged. She said they're looking pretty hard; FBI and everybody's looking for you.

Q: (DS) From when motel? You're talking about the morning you left New Orleans to go to Lake Charles?

A: Right. That motel.

Q: (DS) And who did you talk to?

A: My sister again. No, my mom. She says, "I don't know what you're going to do. I don't know what you're going to do." That's all she could say. I said, "I love you, I'll talk to you later. I've got to go. Good-bye."

Q: (DS) Did you tell her where you were going?

A: No, I didn't tell her where I was. I never told nobody at the house where I was calling from or where I was going because I didn't know myself.

Q: (DS) Did you tell them you would be back or --

A: No.

Q: (DS) You didn't tell them anything when you talked to them?

A: Just told them I loved them and that was it.

Q: Okay. You get on the bus at New Orleans to go to Lake Charles. What bus did you ride?

A: Greyhound.

Q: (DS) Tell us about that.

A: We rode all the way to Nashville. Lake Charles where we met a guy about fifty miles before we got to Lake Charles that lived in Orange County, Texas. Lived in Orange, Texas, the town.

Q: (DS) Met him on the bus?

A: Met him on the bus, yeah. He was drinking whiskey with us on the bus and he got a little crazy and the bus driver about kicked him off.

Q: (GS) What was his name?

A: I'm not good at names, but I can show -- I can see a face, but I don't know names unless I deal with them or something. I don't know who he was still.

Q: (GS) Where did you go with him?

A: To his house. And his wife and his daughter and us at the bus station.

Q: (DS) You said he lived in Orange.

A: Yes.

Q: (DS) Now did you get any farther than Lake Charles, if you just bought a ticket to Lake Charles?

STATEMENT OF GLENN BURTON AKE

A: We bought another ticket from Lake Charles to Orange.

Q: (DS) Did you?

A: Uh-huh. About a fifty mile ride, forty mile ride, something like that.

Q: (GS) What was the reason for going to Orange?

A: Because he said he could put us up for the night. Because we said we were traveling and we had to get back on the road. We stayed there two days and then he gave us a ride out of town.

Q: (DS) What did you do when you were there?

A: Just drink; sit around and bullshit.

Q: (DS) Do you know what he did for a living?

A: He worked on a ship.

Q: (DS) Where at?

A: Out of New Orleans; somewhere out of New Orleans, some kind of ship, I don't know what it is. Freighter. He was a captain.

Q: (DS) Do you --

A: Of the ship.

Q: (DS) Do you know where his house was in Orange?

A: I could find it, but I don't know where it is.

Q: (DS) You don't know where to tell us where it is?

A: No, sure don't but there was quite a few rooms in it. I can barely remember how to get to it myself.

Q: (DS) Why did you decide to leave his place?

A: Because he wanted us to leave. He give us a ride out of town.

Q: (DS) Where did you go from there?

A: Up to that place in Texas. By that park.

Q: (DS) Do you remember where this was?

A: No, I sure don't.

Q: (DS) And you and Steve and Ginger all went with him from his house in his car --

A: Just a little Datsun pickup, yes.

Q: (DS) In his Datsun pickup?

A: Uh-huh.

Q: (DS) And what was the conversation then the reason you got out?

A: That we had to leave?

Q: (DS) No, that you got out of his truck. You said you got out of the car.

STATEMENT OF GLENN BURTON AKE

A: Well, that's as far as he was going to take us. He was going to a gas station to get some tires fixed or something. Lennie was his name.

Q: (DS) Lennie?

A: Lennie.

Q: (GS) Where did he let you out?

A: On the side of the road, close to a park, that's all I know.

Q: (GS) Where did you go?

A: Across the street to the park.

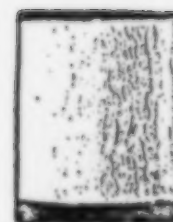
STATEMENT OF GLENN BURTON AKE

CANADIAN COUNTY

SWORN AFFIDAVIT

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STATEMENT OF GLENN BURTON AKE

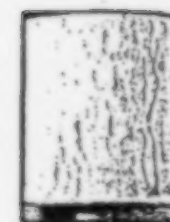


CANADIAN COUNTY

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STATEMENT OF GLENN BURTON AKE



STATEMENT OF GLENN BURTON AKE

Q: (DS) How far west on I-10 did you go?

A: All the way in to New Mexico.

Q: (DS) Did you make any stops from the time you left there until you got to New Mexico?

A: Gas and stuff, that was it. We went straight through. Texas all the way to California. Non-stop.

Q: (GS) How did you pay for your gas?

A: Cash. Well, not all the way to Nevada.

Q: (DS) What time of the day did you leave Texas?

A: Evening time.

Q: (DS) Did you stop and spend the night any where?

A: No. Drove all night long. Tired us out. Came that morning, I wake up and I was driving.

Q: (DS) What kind of plates did the car have on it?

A: Had Texas plates on it. We switched them to Alabama plates. From Alabama plates to California plates.

Q: (DS) When did you change plates?

A: In Texas shortly -- that night. We left in the evening, about seven o'clock at his place and it was about eleven o'clock before we changed plates.

Q: (GS) Did you keep the Texas plate?

A: Yeah. No, we threw them away.

Q: (DS) Whereabouts?

STATEMENT OF GLENN BURTON AKE

A: At a rest stop. Where at, I don't know.

Q: (GS) About what date --

A: But it wasn't in Texas. I don't know what day it was. I wasn't keeping track of days.

Q: (DS) Do you know what day of the week it was?

A: I don't know what day of the week -- oh, Friday was payday.

Q: (DS) Was it a Friday?

A: It was Friday, I know that. I am pretty sure it was Friday. Might have been a Saturday or Sunday. I don't know for sure what approximate date it was on.

Q: (DS) Okay. After you went through Texas and got into New Mexico, where did you spend the night?

A: We didn't. We drove on.

Q: (GS) Where did you drive on to?

A: Heading towards Las Vegas. Stayed the night in Las Vegas.

Q: (GS) Do you know which motel?

A: No, we gambled all night. The next morning was day light and we went on North, towards Reno, but we've never been as far as Reno. We was heading on our way to Reno. We didn't make it towards Reno, we cut off over into California. Was getting low on cash again. Headed down south from there; I don't know what highway we was on -- we was on 357 or something like that. I don't know what highway that was and we stopped and I used that Gulf credit card one time. We got over to Barstow and there was no place to use Gulf so we started using that Visa there and we headed north into California, my hometown, and seen my old house and headed on north. Let's see -- we stayed in a motel, no, we didn't. We went on north and started cutting over west to Nevada. We got into Reno. We stayed the night there in Reno I think. I don't know where at and we gambled that night, the next day, lost our money, most of it. Had three or four hundred dollars left. I gave some money to Steve. I kept the rest. I knew he couldn't handle money.

STATEMENT OF GLENN BURTON AKE

(Answer continuing)

We made it on into Battle Mountain and then I bought a bunch of whiskey and we partied for three days there, drinking whiskey and stuff and we left and headed into Utah. Stayed in Utah, Salt Lake, spent a couple of nights in Provo, couple, three nights. Three nights, I believe it was and then we went into Wyoming. Stayed the night in Rock Springs. The next day we went to Baggs and that's where we got Russell at. Right out south of Baggs that night.

Q: (GS) If you would, describe your activities while you were in Baggs.

A: Went over to see some friends I had.

Q: (GS) Who were the friends?

A: The friends -- weren't even home. They were Rosyan and Johnny.

Q: (GS) What's their last name?

A: I don't know. I know they are not married. They lived together for eight years, but they're not married. And then I went over to see Linda Crowdad and that's where my old lady and Linda got together and I guess that's where they decided to turn me in. Then I was in a bar and found out what they were going to do and busted her glasses went for my gun; couldn't find no gun; the cops found me I did a chow.

Q: (GS) What were you going to do with the gun?

A: I don't know what I was going to do it. I was just going to take it and head south; get out of here. Head back west.

Q: (DS) What kind of gun was this?

A: Seven millimeter rifle.



STATEMENT OF GLENN BURTON AKE

Q: (DS) Okay. In Baggs, you said you busted Ginger's glasses. Then what did you do?

A: Left.

Q: (DS) Left the bar.

A: Left the bar.

Q: (DS) Where did you go from there?

A: Went back to find the gun; couldn't find the gun. The cops seen me so I took off like a bat out of hell. I lost them.

Q: (GS) What were you driving at that time?

A: A 280-2.

Q: (DS) What kind of plates did you have on it at that time?

A: California.

Q: (DS) Where did you get them?

A: Stole them off the car that was abandoned on the road, a Chevy Vega Station Wagen. Had the windows all broke in on it, but the plates were still good on it. I looked at the plates.

Q: (DS) What do you mean they were still good?

A: They still had the time left on it before it expired. It ran through December.

Q: (DS) Okay. You said the cops got after you. What happened there?

A: Pardon?

Q: (DS) You said the cops got after you in Baggs. What happened there?

A: I lost them. I went out of Baggs and went south and lost them. A high-speed chase.

Q: (DS) Can you tell us how you lost them?

A: We was going straight down the highway south towards Craig, Colorado, and I got up to a speed of 135 and left them behind

STATEMENT OF GLENN BURTON AKE

(Answer continuing)

me. I slowed down long enough for me to go into a power slide and turned back around to 180 and turned back around and went and passed him up. He was going the other way and I was going this way. He probably thought I was regular traffic. And I cut off on this other road --

Q: (DS) You were going back towards Baggs at that time?

A: Right. And then I cut off on this other side road where I knew where a oil field was. Went down that road a few miles, pulled off on this other road, killed our lights and everything, backed up, got turned around and whenever I seen him go by and seen the lights go out of sight, I went on back out to the highway and headed south again. That's where we found that guy's house and we turned off at his house just to get off on another road. Didn't know where we was at.

Q: (DS) Did you drive up to his house?

A: Drove as much as we could until the snow stopped us. Got stuck in the snow.

Q: (DS) Got stuck in the snow?

A: Uh-huh.

Q: (DS) How far from his house?

A: Hundred yards.

STATEMENT OF GLENN BURTON AKE

STATEMENT OF GLENN BURTON AKE

Q: (DS) Okay. You were arrested and taken to jail there in Craig, Colorado. Is that correct.

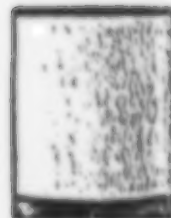
A: Correct.

Q: (DS) How long was that before we came up there?

A: From that morning to that evening. And we were extradited that night up here.

Q: (DS) Okay. Glenn, is there anything else you want to say to us?

A: Yes, there is. Out of all this here, I want the death sentence.



STATEMENT OF GLENN BURTON AKE

(Answer continuing)

And I want an injection as soon as possible. After -- I would like to have a little bit of time to see my parents and my nephew and then I'm ready to be executed, but this shouldn't be on Steve's part because Steve can't kill nobody because he don't have no guts to do nothing. All this doing was my brain; none of his. He just went along with the program because I think he was scared of me. That's all I have to say.

Q: (DS) Okay. Since you say that's all you have to say, let's end this conversation interview with Glenn Burton Ake. This interview began at 9:05 p.m., on Friday, the 23rd day of November, 1979, and will end at 11:35 p.m., on the same day. The same three people are present as at the beginning.

I have read this statement consisting of 44 pages, and I certify that the facts contained therein are true and correct. I further certify that I have made no request for the advice or presence of a lawyer before or during any part of this statement, nor at any time before it was finished did I request that this statement be stopped. I also declare that I was not told or prompted what to say in this statement.

WITNESS:

WITNESS:

Subscribed and sworn to before me, Carol Nichols, a Notary Public, this 26th day of November, 1979.

My commission expires: 2-6-81.
(Seal)

Glenn Burton Ake
GLENN BURTON AKE

Carol Nichols
Notary Public

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OFFICE OF THE
SUPERINTENDENT



ADDRESS ALL COMMUNICATIONS
CONCERNING PATIENTS TO THE
SUPERINTENDENT, GIVING THEIR
FULL NAME, FOR PROMPT REPLY
PLEASE ENCLOSE SELF-ADDRESSED
STAMPED ENVELOPE.

STATE OF OKLAHOMA
DEPARTMENT OF MENTAL HEALTH

EASTERN STATE HOSPITAL

VINITA, OKLAHOMA

74301

1 April 1980

The Honorable Floyd L. Martin
Judge of the District Court
In and For Canadian County
El Reno, Oklahoma 73016

CR 7-79-302

Dear Judge Martin:

Re: AKE, Glen Burton #32391
Your Case Nos. CRF 79-302, 303, 304 & 305

The above-named was admitted to this hospital by your order for a period of observation not to exceed April 10, 1980, on March 6, 1980. Criminal charges are pending.

We have completed our evaluation of Mr. Ake and it is the opinion of our staff that he does not have sufficient ability to consult with an attorney and he does not have a rational or actual understanding of the proceedings pending against him. Since Canadian County is not in our catchment area we would recommend that court action be taken to have committed to Central State Hospital at Norman, Oklahoma for care and treatment.

Please remove him from this hospital at your earliest convenience.

Respectfully,

[Signature]
D. Garcia, M.D.
Chief Forensic Psychiatrist

RDG:ml

cc: District Attorney, Canadian County, ElReno, Oklahoma
County Sheriff, Canadian County, ElReno, Oklahoma

1 Clyde Gene [illegible] [illegible] [illegible]

CO: [illegible] [illegible] [illegible]

ST: [illegible] [illegible] [illegible]

LD: [illegible] [illegible] [illegible]

APPENDIX - 2 LETTER FROM DR. GARCIA DATED MAY 22,

1983.

APPENDIX - 3 PARTIAL TRANSCRIPT OF PROCEEDINGS OF
JUNE 23, 1976 WHERE PETITIONER WITHDRAWS HIS MOTION FOR
JURY TRIAL ON THE ISSUE OF PRESENT SANITY.

1 of tendering this witness at this time, but more so to escape
2 an abbrasive break in the continuity of the trial, and for
3 security reasons.

4 THE COURT: All right.

5 MR. GOERKE: It does relate to his present sanity.
6 But, that's not the purpose we would tender it.

7 THE COURT: Okay. All right. Do you have any objection
8 to that?

9 MR. BREWER: No objection to that. But, if the Court
10 please, at this time we will--

11 THE COURT: Just a moment.

12 (Judge receives phone call.)

13 MR. BREWER: We are going to at this time withdraw
14 our Motion for Sanity Trial to Determine Present Sanity on and
15 for the following reasons: One, that he has just returned from
16 Vinita. The State's doctors have certified him competent to
17 stand trial. We still raise the issue of sanity at the time
18 the crime was committed, and the possibility of his sanity
19 becoming rational and unrational from time-to-time, which we
20 will inform the Court as this progresses. But, we feel as far
21 as time, and as far as the time element involved we feel that
22 at this time the testimony would primarily be that he was
23 certified incompetent to stand trial by independent private
24 practitioners. Sent to Vinita, and while at Vinita certified
25 that he now was competent to stand trial. We do not at this

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1 t.me waive any rights as to his mental competency at the time
2 the crime was committed.

3 THE COURT: So, the Motion for Jury Trial on Present
4 Sanity is hereby withdrawn, is that correct?

5 MR. BREWER: Yes. Is that agreeable with you, Mr.
6 Strubhar?

7 MR. STRUBHAR: Yes.

8 (Court is recessed.)

9 (Court is called to order in chambers with the Court
10 and counsel being present.)

11 THE COURT: Let the record show we are all present.
12 Mr. Brewer, you have withdrawn your Motion for Jury Trial on
13 Present Sanity. You also have an issue pending, a Motion for
14 Change of Venue.

15 MR. BREWER: Yes, sir, on that Present Sanity, there
16 is just one thing that we request on our withdrawing our Motion
17 for full jury trial, is that we would like the State to put on
18 that one witness that they brought before us saying that they
19 had some security reasons. And, if the State will do that, then
20 we won't ask for the jury trial.

21 THE COURT: Well, I don't think -- this wasn't to
22 present sanity.

23 MR. BREWER: Wasn't it on present sanity?

24 THE COURT: No, it was on a different issue.

25 MR. BREWER: Okay.

APPENDIX - 4 PETITIONER'S MOTION FOR NEW TRIAL

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IN THE DISTRICT COURT OF CANADIAN COUNTY

REC JUL 25 AM 8:40

STATE OF OKLAHOMA

CLYDE GENE MILLER
CLERK OF COURT

Sharon Hill

THE STATE OF OKLAHOMA
Plaintiff,
-vs-
GLEN BURTON AKE,
Defendant.

NO. CRF-79-302 303, 304,
& 305

MOTION FOR NEW TRIAL

COMES NOW the Defendant, GLEN BURTON AKE, and moves the Court vacate, set aside, and hold for naught, the verdict rendered herein on the 26 day of June, 1980, in the above styled and numbered causes, the Defendant being aggrieved thereby and to grant a New Trial for the following reasons which affect materially and substantially the rights of the said Defendant.

1. Error of law occurring at the trial and excepted to by the Defendant.
2. Error committed by the prosecuting attorney in both his presentation of the case and during closing argument.
3. Error by the Court in introducing certain heresay statements.
4. Error committed by the Court in introducing certain evidence, in the particulars, To-Wit:
 3. Introduction of gory pictures of decedent.
 6. Error committed by the Court in not granting a change of Venue due to the unfavorable publicity which was caused to be made by the District Attorney's Office.
7. The verdict was not substantiated by sufficient evidence.
8. The Defendant was under heavy medication and unable to comprehend the proceedings and was unable to assist Defense Counsel.

9. Defendant, GLEN BURTON AKE, was mentally ill at time of trial and was so stated by Doctors during trial.

10. GLEN BURTON AKE, was incompetent to stand trial because the only way to control Defendant was to heavily sedate Defendant.

GLEN BURTON AKE

BY:

J. Malone Brewer
J. MALONE BREWER
ATTORNEY FOR DEFENDANT
2000 CLASSEM CENTER
SUITE 214 ARCADE
OKLAHOMA CITY, OKLAHOMA 73106
(405) 521-0884

Richard Strubhar
By El Greeningham
RICHARD STRUBHAR
ATTORNEY FOR DEFENDANT
403 VANDEMYNT
YUKON, OKLAHOMA 73099
(405) 354-2535

CERTIFICATE OF SERVICE

This is to certify that on this 25 day of July, 1980, a true and correct copy of the above and foregoing MOTION FOR NEW TRIAL was sent to BILL JAMES, ASSISTANT DISTRICT ATTORNEY, CANADIAN COUNTY COURTHOUSE, EL RETO, OKLAHOMA, 73036.

J. Malone Brewer
J. MALONE BREWER
ATTORNEY-AT-LAW

Richard Strubhar
By El Greeningham
RICHARD STRUBHAR
ATTORNEY-AT-LAW

Clyde Gene Miller, Clerk of Court
County of Canadian
State of Oklahoma
with me
CLYDE

Sharon Hill